
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

☐ All Child Care Evaluator Manual Holders
☒ All Residential Care Evaluator Manual Holders
☐ All Evaluator Manual Holders

Transmittal No.

10APX-01

Date Issued

January 2010

Subject:

Memorandum of Understanding between the California Department of Social Services, Community Care Licensing Division and the Department of Aging, Office of the State Long-Term Care Ombudsman.

Reason for Change:

The Memorandum of Understanding has been updated and revised. This agreement shall become effective January 2010, and shall remain in effect until either terminated by either party, or amended with mutual consent of both parties.

Filing Instructions:

REMOVE – 06APX-17 Memorandum of Understanding dated December 2006

INSERT –Revised Memorandum of Understanding

Approved:

***Original Document Signed by
Thomas Stahl***

02/04/10

THOMAS STAHL, Chief
Policy Development Bureau
Community Care Licensing Division

Date

Contact Person: Lakisha Collins

Phone Number: (916) 324-4171

MEMORANDUM OF UNDERSTANDING (MOU)

between the

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
Community Care Licensing Division**

and the

**CALIFORNIA DEPARTMENT OF AGING
Office of the State Long-Term Care Ombudsman**

for

**Coordination of Services to Residents of
Residential Care Facilities for the Elderly
and other Related Community Care Facilities such as:
Adult Residential Facilities, Adult Day Programs, and
Social Rehabilitation Facilities**

**This MOU shall become effective January 2010, and shall remain in effect until either
terminated by either party, or amended with mutual consent of both parties.**

***Original Document Signed by
Jeffrey Hiratsuka***

Jeffrey Hiratsuka
Deputy Director
Community Care Licensing Division
California Department of Social Services

***Original Document Signed by
Joseph Rodrigues***

Joseph Rodrigues
State Long-Term Care Ombudsman
Office of the State Long-Term Care Ombudsman
California Department of Aging

**BACKGROUND/PURPOSE OF THE COMMUNITY CARE LICENSING DIVISION (CCLD)
AND THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN (OSLTCO)**

| CCLD | OSLTCO |
|---|---|
| The California Department of Social Services, Community Care Licensing Division (CCLD), is mandated under the California Residential Care Facilities for the Elderly Act, Health and Safety Code Section 1569 et seq., to license long-term care and specified community care facilities, specifically Residential Care Facilities for the Elderly (RCFEs) and to monitor those facilities for compliance with licensing laws and regulations. | The Long-Term Care (LTC) Ombudsman Program, under Title III and Title VII, Chapter 2, Sections 711-721 of the Federal Older Americans Act, is mandated to receive, investigate, and seek to resolve complaints made by, or on behalf of, residents in long-term care facilities, specifically Residential Care Facilities for the Elderly, and Skilled Nursing Facilities. |
| In carrying out its regulatory enforcement program, the CCLD enforces licensing laws and regulations and investigates complaints. | The State designates 35 local organizations to provide Ombudsman services through contracts with Area Agencies on Aging. The OSLTCO provides policy direction, technical assistance and oversight to these local organizations. |
| The CCLD ensures that RCFE licensees provide care and supervision that meets licensing standards. A mission statement is included (see page 3) and made part of this agreement. The CCLD Local Offices monitor and enforce compliance with statute and regulations, and issue citations for non-compliance. The CCLD Policy Development Bureau develops and implements policies; analyzes proposed legislation; and provides consultation and guidelines to licensing staff. The CCLD licensing and policy staff also provides technical assistance and consultation to licensees and other interested parties. | Under state law, the Local LTC Ombudsman Programs are responsible for receiving and investigating reports of suspected abuse alleged to have occurred in long-term care facilities. They also have responsibility for recruiting and training volunteers to visit facilities, informing the community on issues affecting long-term care residents, and providing information to the general public on where to access information about conditions in local long-term care facilities. A mission statement is included (see page 4) and made part of this agreement. |

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES CCLD

MISSION STATEMENT

It is the mission of Community Care Licensing to promote the health, safety, and quality of life of each person in community care through the administration of an effective, collaborative regulatory enforcement system.

This is accomplished by:

- Promoting strategies to increase voluntary compliance
- Providing technical assistance to and consulting with care providers
- Working collaboratively with residents, their families, advocates, care providers, placement agencies, related programs and regulatory agencies, and others involved in community care
- Training staff in all aspects of the licensing process
- Educating the public about the CCLD and community care options
- Promoting continuous improvement and efficiency throughout the community care licensing system.

OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN (OSLTCO)

MISSION AND GOAL STATEMENT

The OSLTCO's mission is to ensure dignity, quality of life and care for all residents in long-term care facilities primarily serving the elderly, by empowering residents and advocating on behalf of those unable to act for themselves.

To fulfill this mission and in accordance with the federal Older Americans Act, the State Older Californians Act and other State mandates, the OSLTCO will:

- Maintain an ongoing presence in Skilled Nursing facilities and RCFEs.
- Identify the most vulnerable residents who are unable to express their wishes; investigate, and seek to resolve complaints, including suspected elder and dependent adult abuse, made by or on behalf of residents, to the resident's satisfaction or expressed wishes.
- Represent the residents before governmental entities and seek administrative, legal, and other remedies.

The California Department of Social Services CCLD and the California Department of Aging, OSLTCO, have developed this agreement to share information with each other and to coordinate services to residents of RCFEs and other related community care facilities. The following sections (I – IV) list the responsibilities and procedures of each department:

I. COMMUNICATION RESPONSIBILITIES

| CCLD TECHNICAL ASSISTANCE AND POLICY BRANCH | OSLTCO |
|--|---|
| 1. Maintain regular and sustained communication through quarterly meetings or on a per need basis as determined by either the CCLD or the OSLTCO. | 1. Maintain regular and sustained communication through quarterly meetings or on a per need basis as determined by either the CCLD or the OSLTCO. |
| 2. Assign staff from the CCLD to serve as a liaison to respond to requests for policy or program interpretations, program operations information, training information, and requests for data regarding state or local programs. | 2. Assign staff from the OSLTCO to serve as a liaison to respond to requests for policy or program interpretations, program operations information, training information and requests for data regarding state or local programs. |
| 3. Per request, provide technical assistance on legislative proposals, and current proposed legislation that are being reviewed by the CCLD. | 3. Per request, provide technical assistance on legislative proposals, and current proposed legislation that are being reviewed by the OSLTCO. |
| 4. Contact the OSLTCO for interpretations of statutes, regulations, and procedures governing the Ombudsman program. | 4. Contact the CCLD for interpretations of statutes, regulations, and procedures governing the CCLD. |
| 5. At quarterly meetings, provide information to the OSLTCO, including facility evaluation process updates, changes in procedures or operations at the state or local level, and any new CCLD program information. | 5. At quarterly meetings, provide information about the Ombudsman program to the CCLD as updates or changes at the state or local level may pertain to the CCLD licensed facilities. |
| 6. Exchange information regarding relevant training opportunities available to the OSLTCO or the Local LTC Ombudsman Programs. | 6. Exchange information regarding relevant training opportunities available to the CCLD or the CCLD Local Offices. |
| 7. When possible, involve the Ombudsman staff as trainers when relevant training is being offered. | 7. When possible, involve the CCLD staff as trainers when relevant training is being offered. |
| | |
| CCLD SENIOR CARE LICENSING PROGRAM OFFICE | OSLTCO |
| 1. Contact the OSLTCO when issues have not been satisfactorily resolved at the local level. | 1. Contact the CCLD Senior Care Licensing Program Office when issues have not been satisfactorily resolved at the local level. |

I. COMMUNICATION RESPONSIBILITIES (Continued)

| CCLD LOCAL LICENSING OFFICES | LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS |
|---|---|
| 1. Meet with and notify the Local LTC Ombudsman Programs about issuance of new licenses for Residential Care Facilities for the Elderly (RCFEs) on a quarterly basis or more frequently as mutually agreed upon, to provide information regarding problem facilities, forfeitures, and final decisions and orders, including revocations of licenses. | 1. Notify the CCLD Local Senior Care Licensing Program Manager when alleged unlicensed RCFEs are in operation, including facilities continuing operation after a denial of an application, revocation or suspension of a license. |
| 2. Exchange information regarding relevant training opportunities. | 2. Exchange information regarding relevant training opportunities. |
| 3. Allow the Local LTC Ombudsman Programs to participate in training in local offices when possible. | 3. When possible, allow the CCLD Local Offices to participate in Ombudsman training. |
| 4. Respond to data requests from the OSLTCO on a mutually agreed-upon date and/or time. | 4. Respond to data requests from the CCLD on a mutually agreed-upon date and/or time. |
| 5. Within budgetary constraints, provide the Local LTC Ombudsman Programs with legible copies of all public licensing reports for RCFEs. | 5. No corresponding action required. |

II. COMPLAINT REPORTING

| CCLD LOCAL LICENSING OFFICES | LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS |
|--|---|
| <p>1. Investigate cross-reports of suspected abuse of elders or dependent adults in long-term care facilities and specified community care facilities licensed by the CCLD (RCFEs, ARFs, ADPs, and SRFs). Reports will be investigated as complaints, according to the CCLD complaint investigation procedures, unless directed not to do so by law enforcement. Notify the Local LTC Ombudsman Program of the outcome of the Investigation.</p> | <p>1. Where consent of the resident or legal representative exists, cross-report known or suspected abuse of elders or dependent adults in long-term care facilities and specified community care facilities licensed by the CCLD (RCFEs, ARFs, ADPs, and SRFs) to the CCLD Local Offices. Submit the Complaint from the LTC Ombudsman (form CDA 223), and the report of Suspected Dependent Adult/Elder Abuse (form SOC 341) as a complaint, along with information relevant to the incident of abuse.</p> |
| <p>2. Investigate other complaints referred by the Local LTC Ombudsman Program, with priority given to complaints that pose the greatest threat to health and safety regardless of the source of the complaint.</p> | <p>2. Where consent of the resident or legal representative exists, notify and/or refer all serious complaints not alleging abuse to the CCLD Local Office on the Complaint from the LTC Ombudsman (form CDA 223).</p> |
| <p>3. At the completion of any complaint investigation, notify and/or provide the Local LTC Ombudsman Program of the availability of any related public CCLD reports. Complaint reports are also available for review on site at the RCFE.</p> | <p>3. No corresponding action required.</p> |
| <p>4. CCLD will evaluate all evidence, including a signed Declaration (LIC 855), from a Local LTC Ombudsman Program as evidence in evaluating a complaint allegation.</p> | <p>4. If appropriate, submit a signed Declaration (LIC 855) to the CCLD Local Offices regarding knowledge of violations and agree to serve as a witness as needed. Share all non-confidential relevant reports and complaint information with the CCLD Local Offices to assist their investigation.</p> |

II. COMPLAINT REPORTING (Continued)

| CCLD LOCAL LICENSING OFFICES | LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS |
|--|--|
| 5. Consult with the Local LTC Ombudsman Program as needed during an investigation. | 5. The Local LTC Ombudsman Program will make every effort to enhance monitoring efforts as needed and respond to residents' needs during the complaint process. Where consent of the resident or legal representative exists, information pertinent to the health and safety of residents in care will be shared with the CCLD Local Office during the course of a known CCLD complaint investigation. |
| 6. Upon the request of the Local LTC Ombudsman Program Coordinator, meet with the Local Ombudsman Program to discuss the findings of complaints filed by that program. | 6. The Local LTC Ombudsman Program will attempt to resolve all other complaints involving violations of regulations. A referral to the CCLD Local Office will be made if a resolution cannot be achieved. |

III. FACILITY CLOSURES

- A. EMERGENCIES AND DISASTERS
- B. TEMPORARY SUSPENSION ORDERS (TSO)
- C. BANKRUPTCIES/FORECLOSURES

A. EMERGENCIES AND DISASTERS

| CCLD STATE OFFICE COMMUNICATIONS | OSLTCO STATE OFFICE COMMUNICATIONS |
|---|--|
| 1. Upon availability of information and in a timely manner, the Deputy Director or his/her designee of CCLD will notify the State Ombudsman or his/her designee of emergencies and disasters that may impact the health and safety of RCFE residents. | 1. Upon availability of information and in a timely manner, the State Ombudsman or his/her designee will notify the CCLD Deputy Director or his/her designee of emergencies and disasters that may impact the health and safety of RCFE residents. |
| 2. CCLD will collaborate with the State Ombudsman or his/her designee in an effort to minimize the impact of the event on residents in care. | 2. The State Ombudsman will collaborate with the CCLD State Office or his/her designee in an effort to minimize the impact of the event on residents in care. |
| | |
| CCLD LOCAL LICENSING OFFICES | LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS |
| 1. Collaborate with essential local agencies to obtain and act upon event-related information. | 1. Collaborate with CCLD Local Office to obtain and act upon event-related information. |
| 2. Collaborate with local emergency response agencies to ensure response efforts are appropriate to the resident population and mitigate any related transfer trauma. | 2. Collaborate with local emergency response agencies to ensure response efforts are appropriate to the resident population and mitigate any transfer trauma. |
| 3. Follow-up on resident relocations to ensure the overall health and safety of residents and provide technical assistance to providers as needed. | 3. Follow-up on resident relocations to ensure the overall health and safety of residents and provide assistance to residents as needed. |

III. FACILITY CLOSURES (Continued)

B. TEMPORARY SUSPENSION ORDERS (TSO)

| CCLD LOCAL LICENSING OFFICES | LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS |
|---|--|
| 1. Notify the Local LTC Ombudsman Program of a TSO that will necessitate the relocation of residents in care. | 1. Respond to CCLD notification of potential TSO and identify resources to assist in TSO action, as necessary. |
| 2. Work collaboratively with the Local LTC Ombudsman Program to ensure timely and accurate information related to the TSO. | 2. Share information with CCLD that may impact the TSO action, including information about the facility or residents. |
| 3. As appropriate, coordinate a meeting to share proposed facility closure plan with the Local LTC Ombudsman Program. | 3. Provide input to CCLD Local Office on the proposed facility closure plan. |
| 4. Ensure that all attendees at the closure plan meeting are advised of the confidentiality of the TSO action. | 4. Participate in discussions related to the TSO in a manner that protects the confidentiality of the TSO action. |
| 5. During the closure plan meeting, discuss methods of mitigating transfer trauma to residents and responsible persons. | 5. Initiate as well as support efforts to minimize transfer trauma to residents and responsible persons by assisting in providing accurate information. Provide individualized, accurate information about facility residents to CCLD. |
| 6. Identify and coordinate media contacts with the Local LTC Ombudsman Program. | 6. Assist CCLD in the identification and coordination of media contacts. |
| 7. As necessary, coordinate a debriefing meeting with the Local LTC Ombudsman Program to identify any outstanding issues or needs related to the TSO. | 7. As necessary, participate in debriefing meeting with the CCLD Local Office to identify any outstanding issues or needs related to the TSO. |

III. FACILITY CLOSURES (Continued)

C. BANKRUPTCIES/FORECLOSURES

| CCLD LOCAL LICENSING OFFICES | OSLTCO & LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS |
|---|---|
| 1. Upon availability of information and in a timely manner, the Local Licensing Program Manager or his/her designee will share any information with the State Ombudsman or his/her designee about the facility filing for bankruptcy. | 1. Upon notification by any entity, including the United States Trustee, the State Ombudsman or his/her designee will notify the Local Licensing Program Manager of the RCFE filing bankruptcy. |
| 2. The Local Licensing Program Manager or his/her designee will, as appropriate, share information about the facility with the Local LTC Ombudsman Program. | 2. The State Ombudsman or his/her designee will provide copies of reports submitted to the Bankruptcy Court to the Local Licensing Program Manager. |
| 3. In the event of a foreclosure, CCLD will collaborate with the Local LTC Ombudsman Program to minimize the impact of the event on residents in care. | 3. In the event of a foreclosure, the Local LTC Ombudsman Program will collaborate with the Local Licensing Office to minimize the impact of the event on residents in care. |

IV. JOINT RESPONSIBILITIES OF THE CCLD AND THE OSLTCO

1. Maintain communication by convening meetings between the Local LTC Ombudsman Program and the CCLD Local Licensing Program Manager on a quarterly basis or more frequently as needed.
2. Provide updated contact lists for each department (see Attachments 1 and 2).
3. When needed, establish protocols for dealing with any situations that were not successfully resolved at the local level and require additional intervention for resolution.
4. When relevant training is being provided to CCLD staff or Ombudsman staff, invite the other department's staff to attend as trainees, and involve CCLD and Ombudsman staff as trainers, as appropriate.
5. Encourage and, when appropriate, approve and facilitate joint visits with the Local LTC Ombudsman Program and the CCLD Local Office.
6. Exchange information on the number of facilities, their licensed capacities, the number of complaints, and any other relevant statistical data that may be useful to the departments. This information should be provided once a year, at a minimum, or upon an agreed upon schedule if reports are needed more frequently.
7. Ensure notification of any significant impacts in CCL facilities as it may affect the level of service to residents/clients.

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION (CCLD)**

CONTACT LIST

- A. The contact person for the CCLD for policy issues and general liaison responsibilities will be:

Lakisha Collins, Policy Analyst
CDSS/CCLD
744 P Street, M.S. 19-50
Sacramento, CA 95814
Phone: (916) 324-4171
FAX: (916) 323-9918
E-Mail: Lakisha.Collins@dss.ca.gov

- B. The contact person for the CCLD for data related issues will be:

Katherine Jordan
CDSS/CCLD
744 P Street, M.S. 19-50
Sacramento, CA 95814
Phone: (916) 322-4875
FAX: (916) 323-8352
E-Mail: Kjordan@dss.ca.gov

The CCLD Application Support (Help Desk – LIS only)
CDSS/CCLD
744 P Street, M.S. 19-58
Sacramento, CA 95814
Phone: (916) 323-6102
FAX: (916) 323-6656
Help.Desk@dss.ca.gov

**CALIFORNIA DEPARTMENT OF AGING
OSLTCO**

CONTACT LIST

- A. The contact person for the OSLTCO for policy issues, training, legislation and general liaison responsibilities will be:

Pamela Healy, Aging Programs Analyst II
CDA/OSLTCO
1300 National Drive, Suite 200
Sacramento, California 95834
Phone: (916) 928-2198
FAX: (916) 928-2503
E-Mail: phealy@aging.ca.gov

- B. The back-up liaison if/when Pamela Healy is not available for the OSLTCO will be:

Letitia Robinson, SSM I/Manager
CDA/OSLTCO
1300 National Drive, Suite 200
Sacramento, California 95834
Phone: (916) 928-2288
FAX: (916) 928-2503
E-Mail: lrobinson@aging.ca.gov

- C. The contact person for the OSLTCO for data-related issues will be:

Vicky Radford, Management Services Technician
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1300 National Drive, Suite 200
Sacramento, CA 95834
Phone: (916) 928-2227
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